

**REPORT - PLANNING COMMISSION MEETING**  
**October 24, 2002**

**Project Name and Number:** Peralta Dream (PLN2003-00002)

**Applicant:** Linmei Chaio

**Proposal:** To consider a rezoning from C-O, Administrative Office District, to P-2003-2, Planned District, for a 1.34-acre vacant site. The project includes a "Friends of Children with Special Needs (FCSN) Center" and ten (10) four bedroom, two bath residential apartments for both residents with special needs and their caregivers.

**Recommended Action:** Recommend to City Council.

**Location:** 2300 Peralta Boulevard, Centerville Planning Area

**Assessor Parcel Number(s):** 525-0600-027-00 and 525-0600-028-00

**Area:** 1.34 Acres

**Owner:** Linmei Chaio

**Agent of Applicant:** Rick W. Williams

**Consultant(s):** Rick W. Williams; Van Meter Williams Pollack, Architects  
John Befu; Merrill + Befu Associates  
George Luk; Luk & Associates

**Environmental Review:** A Mitigated Negative Declaration was previously prepared and adopted for this project (PLN2002-00034).

**Existing General Plan:** Medium Density Residential (6.5-10 dwelling units per acre)

**Existing Zoning:** C-O (Administrative Office District)

**Existing Land Use:** Vacant

**Public Hearing Notice:** Public hearing notification is applicable. A total of 170 notices were mailed to owners and occupants of property within 300 feet of the site, including on the following streets: Peralta Boulevard, Archer Avenue, Ann Street, Forrest Court, Edward Avenue, and other nearby streets. The notices to owners and occupants were mailed on October 14, 2002. A Public Hearing Notice was delivered to The Argus on October 9, 2002, to be published by October 14, 2002.

**Executive Summary:** The applicant is proposing Planned District zoning to allow the operation of an institutional building and ten residential apartments for people with special needs, as anticipated after a previously approved General Plan Amendment. The project will fully develop a currently vacant site near the intersection of Peralta Boulevard and Edward Avenue.

**Background and Previous Actions:** A General Plan Amendment (GPA) and Mitigated Negative Declaration, PLN2002-00034, were previously adopted for this project by the City Council on October 25, 2001.

**Project Description:** The project consists of a rezoning from C-O, Administrative Office District, to Planned District. The proposed zoning change is requested by the applicant to be consistent with the adjacent medium-density residential development to the west of the project site and to accommodate the proposed project, as approved in concept under a

previous General Plan Amendment. Properties to the north and south of the proposed project also have residential zoning and land use designations. All mitigation measures contained in the previously approved Mitigated Negative Declaration will be incorporated, as appropriate (condition number A-4).

The site is 1.34 acres fronting Peralta Boulevard and adjacent to residences along Edward Avenue. Holland Avenue extends from Parkmont Drive to the southern site boundary. Approximately three homes front onto Holland Ave. Adjacent to the site to the east is a small medical office building. Properties to the north, south, and west contain existing residential developments.

The proposed project is a unique complex for children and young adults with special needs. Typically, they may have autism or downs syndrome, or other developmental delays. The parents and friends of the families of these children and young adults are supporting the project, which consists of two components: (a) the Friends of Children with Special Needs (FCSN) Center, and (b) the Peralta Dream Residences.

The FCSN Center will provide day programs/job training and night time/weekend activities for adults with special needs who may or may not live in the residences. It will also provide playgroups, therapy groups, and other programs for children with special needs. In addition, it will be used to conduct parent seminars, workshops, and other parent support activities. The FCSN Center, on approximately 1/2-acre of the site, is an approximately 6,000 square foot facility with six to eight classroom/activity rooms, a kitchen and dining area, and an information resource library. The site will also have a small courtyard, an outdoor activity play area and parking for 30 vehicles.

Adults and children with special needs and their caretaker companions will use the apartment component of the project. There will be ten (10) four bedroom, two bath apartments with common living areas including dining, kitchen, and living space. The apartments will be approximately 1,250 square feet in size. These units will be specially designed to address the needs of the residents and their caretakers. The two-story complex is centered on a common courtyard. This complex is approximately 4/5-acres, which includes the apartments, courtyard, open space, and 20 parking spaces (two per unit).

#### **Project Analysis:**

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Medium Density Residential, 6.5 – 10 dwelling units per acre, as approved by a previous GPA in anticipation of this project. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Goals H1, H2, H3, and H5: The project is compatible with these three residential goals, which identify “Conservation and enhancement of existing residential neighborhoods” (H1); “High quality and well-designed new housing of all types throughout the city” (H2); and “Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city” (H3). The project also implements goal H5, which seeks to “ensure that all persons have equal access to housing opportunities”. Policy H5B and Implementation Program 34 state the City should “continue to provide assistance to service providers of special needs households such as seniors, disabled, and homeless” and support housing opportunities for such residents.

Land Use Policy LU 1.11: General Plan Land Use Policy LU 1.11 states “Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transition can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.” The proposed development would result in a less intense land use than the adjacent commercial uses that will offer some buffer and transition for the adjacent single-family developments.

Land Use Policy LU 1.13 and 1.22: The proposed project is compatible with this land use goal, which states “Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit though the use of site design, open space, landscaping and appropriate building materials. Multi-family housing units shall be developed with consideration given to the relationship to adjacent development.” Staff believes that the proposed project site plan and architecture will successfully implement this General Plan policy.

- **Zoning Regulations:** The applicant is requesting Planned District zoning for this site to allow both the mix of uses and the specific building layouts as proposed. The applicant has generally met parking, landscaping, and other FMC requirements for the project as described later in this report.

The nearest standard zoning district compatible with the underlying General Plan designation of Medium Density residential, 6.5 – 10 units per acre, is R-G-40, Garden Apartment Residence District. Multi-family projects and/or special care facilities, such as the apartment units at the rear of this site, are permitted uses. The proposed institutional use of the FCSN Center at the front of the site would normally be a conditionally permitted use requiring Planning Commission review and approval. The use of the Center would be authorized through the adoption of the Planned District zoning for this property (condition number A-2).

Staff believes that any variation from the normally required setbacks for the apartment units proposed at the rear of the site is appropriate under the Planned District zoning due to the superior architecture and site design of the project. These variations include allowing less separation between the units (15 to 20 feet where up to 50 feet might normally be required), allowing lower property-line setbacks (ranging from 6 feet 11 inches to 15 feet where 15 to 20 feet would normally be required), and a 1% reduction in the open space provided, which is discussed later in this report.

The FCSN Center is also proposed with a 10-foot setback to the interior property line adjacent to an existing commercial site, where the FMC would typically require 15 feet. Due to the commercial use of the adjacent site and the institutional use of the Center, staff believes that the uses will be compatible and that a reduction in the required setback is appropriate. The proposed project is also set back 15 feet from the public right of way where 20 feet would normally be required; but again, because this is an institutional use rather than the residential use contemplated by the FMC, staff believes the reduction is appropriate. The overall effect will be of a more compact and mixed development, which is fitting for the front of the site along Peralta Boulevard and adjacent to existing commercial uses. The FCSN Center meets all other zoning requirements.

The project was designed to be subdivided into two lots, with the front lot containing the FCSN Center and the rear lot the residences. The rear lot would be a flag lot with frontage on Peralta Boulevard, and joint access, parking, and other agreements/easements would be required as necessary. Staff has not included conditions of approval for the project requiring this subdivision, as the project could also be built on a single parcel. It will therefore be at the applicant's discretion whether to propose to subdivide the lot or to build the project on the single existing parcel.

- **Planned District Analysis:** The Fremont Municipal Code requires that the following specific findings be made prior to the Planned District being established:

- (a) The proposed P district, or a given unit thereof, can be substantially completed by within four years of the establishment of the P district.

**Discussion:** The project site is 1.34 acres, and this project can be fully developed within this time period.

- (b) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

**Discussion:** The proposed FCSN Center and the residential apartments can both operate individually, however, together they are able to function in desirable manner as a mixed use project that would not normally be achieved under traditional zoning.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district.

**Discussion:** This project site is located on Peralta Boulevard, designated as an arterial in the General Plan. The street is suitable and adequate to carry the anticipated traffic.

- (d) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed.

**Discussion:** This project does not contain a commercial component, and this finding is not applicable.

- (e) Any exception from the standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with the adopted policy of the planning commission and the city council.

**Discussion:** The superior architecture, site design, and landscaping warrant any deviation from standard zoning requirements for this project. Additionally, incorporating the mixture of uses that serve children and adults of special needs in the City of Fremont is an amenity that will help to serve this need within the City.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

**Discussion:** The surrounding neighborhood is already zoned and developed.

- (g) The P district is in conformance with the general plan of the City of Fremont.

**Discussion:** As previously discussed, the project is consistent with the policies and goals of the Housing and Land Use Chapters of the Fremont General Plan.

- (h) Existing or proposed utility services are adequate for the population densities proposed.

**Discussion:** The area in which the project site is located already contains the appropriate utility services, and these utilities are adequately sized to serve the proposed project.

- **Parking:** The project contains 5,995 square feet of floor space for the FCSN Center, and provides 30 parking spaces. Provided parking equals approximately one space per two hundred square feet. Although the Fremont Municipal Code (FMC) does not specify a parking requirement for this type of use, other, similar uses have the following requirements: elementary or junior high schools, one space per employee; high school, one per employee plus one per seven classroom seats; and childcare facilities, three plus one per each ten children over a capacity of fifteen. Based on the fact that most participants of this program will either be living on-site or will be dropped off, staff believes that the proposed parking is adequate.

The project also contains ten (10) four bedroom two bath apartment units, and provides 20 parking spaces for this use. Even though most residents will likely not own vehicles, this parking count meets the standard of two parking spaces per unit for multi-family units. It should also be noted that the peak operating hours of the FCSN Center and the residences are likely to vary, so that apartment visitors should be able to use the Centers parking area during off-peak hours even though not normally required for this type of development.

- **Open Space/Landscaping:** The project site is organized with two courtyard areas; one just behind the FCSN Center consisting of an open lawn area and patio, and one centrally located between the apartment units at the rear of the site. This separation of the more public versus the more private open space areas will allow for a greater and more appropriate diversification of uses between areas.

Tree counts, locations, and planter areas are generally provided in accordance with City standards in effect at the time of the project submittal. The percentage of open space provided, at 39% for the FCSN Center portion and 49% for the residential portion of the project, is adequate for the proposed uses. Although FMC requirements stipulate 50% open space for multi-family residential developments, staff believes the 1% reduction is appropriate due to the

high quality of the architecture and site design, as well as the fact that 39% open space is provided for the Center area where only 25% is normally required. Reductions in the required amount of open space are allowed as part of the Planned District process.

- **Circulation/Access Analysis:** Access to the project site is from Peralta Boulevard, also known as State Highway 84. A joint access driveway is proposed to serve both the FCSN Center and the residential units. Pedestrian access from the new public sidewalk on Peralta Boulevard is provided by a system of on-site sidewalks and pedestrian pathways around the buildings and through the parking areas. On-site parking and circulation will be reviewed and approved by staff during Development Organization review.
- **Street Improvements:** The project frontage is on Peralta Boulevard, an existing thoroughfare designated as State Highway 84. Peralta Boulevard is planned for an ultimate right-of-way width of one hundred and four feet and a pavement width of eighty-four feet. Currently the project frontage is unimproved. The developer shall dedicate right-of-way and install complete street improvements to the centerline of Peralta Boulevard. Street improvements to be installed include, but are not limited to, pavement, curb, gutter, sidewalk, driveway and landscaping.

#### Design Analysis:

- **Architecture:** The FCSN Center is a one-story building of contemporary design and modern detailing that appropriately reflects its institutional use while still serving as a transition between surrounding commercial and residential uses. As described by the applicant, the building design directly fronts Peralta Boulevard with classroom areas opening onto small, enclosed patios surrounded by three-foot walls. Staff agrees with the applicant that this is a “high quality street frontage”, while also recognizing that the majority of users will drive to the site. As such, the major entrance to the building is located perpendicular to Peralta Boulevard, halfway between the public sidewalk and the private parking lot.

The building design is made up of a combination of sloped shed roofs, clerestory windows, and flat/parapet roof systems. Roof overhangs extend, where appropriate, as screening for doors and windows; in other locations metal awnings, wood trellises, and/or canvas awnings are provided for shading and/or architectural interest. The main body material of the building is stucco. Staff has included conditions of approval regarding architectural details of this building, including that metal trellises be of a natural, galvanized finish or similar, and that a standing seam metal roof be used rather than a composition shingle, which the applicant has proposed as an option (condition number B-4 and B-5). Staff is proposing that amenity fees for the project be directed to pay for the installation of the roof, as discussed later in the report. The overall contemporary effect of the building works well to distinguish this as the institutional Center of the site, but also still reflects the design of the apartment units at the rear of the site through color and material selection.

The apartment units are composed of three two-story buildings. One building contains six units and the other two buildings contain two units each. All apartments are four bedroom, two bath units. All three buildings are connected by a raised walkway at the second level, and living areas for the units are generally oriented towards the central open space area.

The apartment buildings, although more traditional and residential in overall form than the FCSN Center, still have a contemporary overall design and detailing. They are made up of a composition shingle roof system with metal fascias, wood brackets, metal and canvas awnings for windows and/or doors, wood trellises, and stucco body. Colors have been chosen to be consistent with the Center building, and the design will complement that of the FCSN Center at the front of the site.

- **Landscaping:** The applicant has provided a landscape plan showing a variety of groundcovers, tree plantings, and open space arrangements that works well with the site layout. The entry drive is lined with trees from Peralta Boulevard; at which point two large “entry trees” are placed, that when full size will create a gateway feature for the site. The FCSN Center has its own useable patio and lawn area, while the residences surround a more private lawn area. Both areas are bordered by trees that will provide both shade and a screen to surrounding areas, such as

parking and circulation. Trees are also planted along the perimeter of the site, and street trees will be planted along Peralta Boulevard as part of this project. The proposed project meets landscaping requirements for tree counts and locations; final details of the proposed landscape plan will be reviewed during the DO process (condition number B-6).

- **View Impacts:** The proposed project consists of an infill development on a flat 1.34-acre site. No structure will be taller than two stories, and the surrounding area is largely developed with residential or commercial uses. No view impacts are anticipated as a part of this project.
- **Grading/Topography:** The project site is relatively flat and is currently vacant and unimproved. The site gradually slopes down, away from Peralta Boulevard. The project proposal includes minor grading to facilitate the proposed development. The Project Civil Engineer has estimated the grading quantities to be 480 cubic yards of cut and 480 cubic yards of fill, for a total grading quantity of 960 cubic yards. The estimated grading quantity is less than 1,000 cubic yards; therefore the project does not require Planning Commission approval of a preliminary grading plan.
- **Drainage:** Due to the existing topography and the location of public storm drain facilities; the project has been designed to drain to the south, away from Peralta Boulevard. The on-site drainage is designed to connect to an existing 15-inch public storm drain located in the 15-foot wide Pedestrian Way, between Lot 8 and Lot 9 of Tract 3296. The developer shall obtain a private storm drain easement from the City over Pedestrian Way, after which the developer shall apply for the abandonment of Pedestrian Way. The proposed storm drain system has been designed to incorporate landscaped swales in the parking lot to provide treatment of runoff.

There is an existing 15-foot wide storm drain easement in the subject property from Pedestrian Way, along the southwestern boundary and southeastern boundary, which connects to an existing 15-foot wide easement on the adjacent property to the east. The easement on the adjacent property was granted as a condition of rezoning the adjacent site from residential to commercial in 1964.

The development of Tract 6318 (Cambridge Court), approximately 600 feet to the east, altered the planned drainage pattern for this area on Peralta Boulevard. Cambridge Court was initially designed to drain south, away from Peralta Boulevard, to the end of the Cambridge Court cul-de-sac. Storm water was to be conveyed underground through the storm drain easements until connecting to the existing public storm drain in Pedestrian Way. Instead, Cambridge Court was designed to drain to an existing storm drainpipe in Peralta Boulevard. Because of this change, the storm drain pipe has not been installed in the easement, and there is no longer a need for a public storm drain easement at the rear of the project site. The developer shall therefore cause the abandonment of the public storm drain easement prior to issuance of grading or building permits for the project.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

#### **Applicable Fees:**

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park land, park facilities, capital facilities, and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.
- **Planned District Amenity Fees:** Amenity fees are waived for affordable housing projects and senior housing projects within the City as provided by City Council Resolution Number 7394. This waiver does not appear to apply to this project (special needs housing), therefore Planned District amenity shall be required for the one unit above Step 1 density on this project (condition number B-13). Typically, amenity fees are split 50/50 between improvements

off-site and improvements on-site, however, staff is proposing that the Planning Commission recommend that the City Council authorize a deviation from this policy so that the amenity fees for this project may be directed solely to improvements on-site, and specifically to the installation of the proposed standing seam metal roof (condition number B-5 and B-13). Staff believes that this roof is important to the overall design and character of the FCSN Center, and will add to the architecture and presence of the building as viewed from the public on Peralta Boulevard. Allowing the amenity fees to be used for this purpose will help the project meet General Plan Housing Policies H2 and H3 for the construction of "high quality and well-designed new housing of all types throughout the City" while still being "affordable and appropriate for a variety of Fremont households at all economic levels". If for any reason the applicant/builder does not construct the metal roof as proposed, amenity fees will be collected and dispensed in accordance with standard City policy, i.e. 50% of the fees shall be used for off-site improvements by the City of Fremont.

**Redevelopment:** This project site does not fall within the Centerville Redevelopment Area, which is focused around the commercial core of Centerville along Fremont Boulevard.

**Waste Management:** This project involves multi-family residential and institutional construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Any trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards.

**Environmental Analysis:** A Mitigated Negative Declaration was previously adopted for this project (PLN2002-00034). Conditions of approval have been included to assure that all mitigation measures are implemented (condition number A-4). This project falls within the scope of the approved Mitigated Negative Declaration, and no additional analysis of environmental impacts or potential mitigations is required.

**Response from Agencies and Organizations:** At the time this report was published, staff had not received any comment from outside parties.

**Enclosures:**

Exhibit "A"	Rezoning
Exhibit "B"	Site plan, floor plans, elevations, and landscape plans
Exhibit "D"	Conditions of approval
Perspective Renderings (Informational)	
Applicant's "Project Overview" (Informational)	

**Exhibits:**

Exhibit "A"	Rezoning
Exhibit "B"	Site plan, floor plans, elevations, and landscape plans
Exhibit "C"	Color and material board
Exhibit "D"	Conditions of approval
Perspective Renderings (Informational)	

#### **Recommended Actions:**

1. Hold public hearing.
2. Recommend the City Council find the project is within the scope of the previously adopted Mitigated Negative Declaration and that no further environmental review is required.
3. Find PLN2003-00002 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.

4. Find PLN2003-00002, as per Exhibit "B" (site plan, floor plans, elevations, and landscape plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Recommend the City Council authorize the use of applicable amenity fees 100% on-site for the construction of the standing seam metal roof, or, if the applicant chooses not to install said roof, that amenity fees be paid and used according to standard City policies.
6. Recommend PLN2003-00002 to the City Council in conformance with Exhibit "A" (Rezoning Exhibit)



**Exhibit "D"**  
**Findings and Conditions of Approval for PLN2003-00002**  
**Peralta Dream Planned District – Planned District Rezoning**  
**2300 Peralta Boulevard**

**FINDINGS**

1. The proposed "P" district amendment, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district because the project site is 1.34 acres and can be developed in one stage within this time period.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, and will have a beneficial effect which could not be achieved under another zoning district. The proposed FCSN Center and the residential apartments can both operate individually, however, together they are able to function in desirable manner as a mixed use project that would not normally be achieved under traditional zoning.
3. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district because the project site is located on Peralta Boulevard, designated as an arterial in the General Plan. The street is suitable and adequate to carry the anticipated traffic.
4. Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed. This project does not have a commercial component, and this finding is not applicable.
5. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council because the superior architecture, site design, and landscaping warrant any deviation from standard zoning requirements for this project. Additionally, incorporating the mixture of uses that serve children and adults of special needs in the City of Fremont is an amenity that will help to serve this need within the City.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development, which has already taken place because the surrounding area is fully developed.
7. That the "P" district is in conformance with the General Plan's Housing and Land Use Chapters, and specifically Goals H1, H2, and H3, H5, and Policies 1.11, 1.13, and 1.22.
8. That existing or proposed utility services are adequate for the population densities proposed because the area is fully developed with appropriate access to the utilities from this site.

**CONDITIONS:**

***General Conditions:***

- A-1 Approval of PLN2003-00002 shall conform to Exhibit "B" (Site plans, floor plans, elevations, and landscape plans), Exhibit "C" (Color and material board), and all conditions of approval set forth herein.
- A-2 This Planned District allows the construction and use of ten apartment units at the rear of the site and the FCSN Center (an institutional use) at the front of the site, as well as the specific site layout as approved in Exhibit "B". Should the use of the FCSN Center cause conflicts with surrounding neighbors, the Assistant City Manager may

limit the hours of operation as appropriate. Any decision to limit the hours of operation may be appealed to the Planning Commission.

- A-3 If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the institutional use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the project to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke this approval.
- A-4 The project shall incorporate and conform to all requirements of the previously adopted Mitigated Negative Declaration (PLN2002-00034):
1. Comply with the dust suppression measures set forth in the soil remediation plan approved by the County and City of Fremont regulations. A wildlife biologist shall conduct a pre-construction survey 30 days prior to any site or ground preparation work to determine if Burrowing Owls are present on the site. Should Burrowing Owls be identified on site, the applicant will be responsible for the implementation of the protective actions, including relocation, prior to the commencement of any site work. The site investigation would be subject to the review and approval of the appropriate city department.
  2. Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to a non-significant level.
  3. Implementation of appropriate erosion control measures during construction will minimize the amount of sedimentation leaving the project site and reduce the significance of such erosion.
  4. Standard water pollution and erosion control measures following Best Management Practices will be implemented to prevent runoff and sedimentation from entering the channel. Emphasizing storm water Best Management Practices (BMP) intends to achieve compliance with the goals of the **Alameda County Urban Storm Water Runoff Program**, in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.
  5. To reduce construction noise, all construction activities shall be limited to the following hours of operation:  
  
7 a.m. to 7 p.m. Monday through Friday  
9 a.m. to 6 p.m. Saturday  
No Construction Activities on Sunday
- A-5 The property (including landscaping) must be continuously maintained in a healthy and attractive condition free of weeds and debris, in accordance with the approved plans. Dead and/or dying plant materials shall be replaced with healthy specimens as necessary. The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).

***Prior to Building or Grading Permit Issuance:***

- B-1 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- B-2 Appropriate construction plans shall be submitted to the **Development Organization** for review to assure conformance with relevant codes, policies and other requirements of the Fremont Municipal Code.

- B-3 The applicant shall submit a lighting plan and lighting specifications to the **Development Organization** for review and approval. Lighting shall be shielded and/or directed inward towards the site and away from surrounding properties. Proposed lighting must meet Security Ordinance requirements, and all lighting structures and fixtures shall be compatible with the style and design of the main structures.
- B-4 Metal awnings, trellises, and other similar elements of the FCSN Center (not the residences) shall be a natural, galvanized finish or similar, subject to staff review and approval.
- B-5 The roof of the FCSN Center shall be a standing seam metal roof as shown on approved plans and not the optional composition shingle.
- B-6 The applicant shall submit landscape and irrigation plans, in conformance with approved exhibits, to the **Development Organization** for review and approval. The plans shall include the following:
- a. An automatic underground irrigation plan;
  - b. Weed control specifications;
  - c. Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate;
  - d. One tree for every 500 square feet of landscaping (total landscape area and total number of trees shall be noted on planting plan);
  - e. Landscaping, which shall include trees, shrubs, and groundcover; and
  - f. Street trees and associated irrigation along Peralta Boulevard.
- All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- B-7 North of Building 2, along the east property line, planting area is too narrow to accommodate (2 noted) trees. A planting area of 3'-0" is unacceptable. Tall upright shrubs shall be planted in this area, subject to staff review and approval.
- B-8 All street trees, building frontage trees, and entrance driveway trees up to the transformer pad shall be 24" box-size minimum. All trees graphically noted in the legend as "Parking Lot Trees", and all trees located in the center courtyard of the apartment residences shall be 24" box-size minimum.
- B-9 The applicant shall provide site furnishings in the FCSN Center Patio and at the courtyard between Buildings 1, 2, and 3. A minimum of 8 benches or similar should be provided on the site, subject to staff review and approval.
- B-10 Area drains, rain water leaders, valve boxes, cleanouts, etc., shall not be located in planters at bases of trellis posts. If the above-mentioned are installed at trellis post bases, planter areas will be enlarged by removing adjacent paving.
- B-11 The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location, accessibility, and design of the trash and recycling enclosures shall be subject to review and approval by the Development Organization. All trash and recycling areas are to be enclosed. No other area shall drain to the enclosed area. Drains in any wash area or process area shall not discharge to the storm drain. Drains should connect to the sanitary sewer subject to approval of the Union Sanitary District.
- B-12 The proposed trash enclosure(s) shall be planted with vines and shall provide hose bibs, subject to staff review and approval.
- B-13 Planned district amenity fees are applicable to this project. Amenity fees shall be charged at the rate in effect at time of building permit issuance, and shall be applicable to the one unit above Step 1 density for this project. 100% of the amenity fees for this project shall be used on-site to provide the standing seam metal roof of the FCSN Center. If for

any reason the standing seam metal roof is not provided, amenity fees shall be used in accordance with City policy with 50% utilized off-site.

- B-14 The project shall be subject to Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- B-15 The developer shall dedicate right-of-way and install complete street improvements to the centerline of Peralta Boulevard. Peralta Boulevard is a thoroughfare with a total right-of-way width of one hundred and four feet and a pavement width of eighty-four feet. The required improvements include, but are not limited to, installation of pavement, curb, gutter, sidewalk, driveway, and landscaping.
- B-16 The developer shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. The encroachment permit shall be obtained prior to issuance of the building permit. The required street improvement for Peralta Boulevard, also known as State Highway 84, requires encroachment permits from the City and from Caltrans.
- B-17 Prior to issuance of building permits, the developer shall cause the abandonment of Pedestrian Way in Tract 3296.
- B-18 Prior to issuance of building permits, the developer shall obtain a private storm drain easement from the City over Pedestrian Way, prior to abandonment of Pedestrian Way.
- B-19 Prior to issuance of a grading or building permit, the developer shall cause the abandonment of the existing fifteen-foot wide storm drain easement, generally located along the southern boundary of the project site.
- B-20 The site circulation and parking shall be reviewed for conformance with Title VIII, Chapter 2, Article 20, of the Fremont Municipal Code during Development Organization.
- B-21 Applicant shall provide for a functional drainage system subject to approval of the City during Development Organization review.
- B-22 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- B-23 Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- B-24 The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
- B-25 Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work.
- B-26 The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose during Development Organization.
- B-27 The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
- B-28 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will

result in the issuance of correction notices, citations, or stop orders.

- B-29 All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
- B-30 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- B-31 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- B-32 The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location and accessibility of the trash and recycling enclosures shall be subject to the review and approval by the Development Organization Engineer.
- B-33 All trash and recycling areas are to be enclosed. No other area shall drain to the enclosed area. Drains in any wash area or process area shall not discharge to the storm drain. Drains should connect to the sanitary sewer subject to approval of the Union Sanitary District.
- B-34 All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
- B-35 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- B-36 All washing/steam cleaning must be done at an appropriately equipped facility, which drains to the sanitary sewer. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents, or other pollutants to the storm drains. Wash water should discharge to the sanitary sewer, subject to review, approval, and conditions of the Union Sanitary District.
- B-37 The applicant shall install an automatic fire sprinkler system in the buildings for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- B-38 Plans, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13
- B-39 All Automatic Fire Suppression Systems Fire Department Connections shall have an address placard installed at the connection. The applicant shall relocate the fire department connection and the post indicator valve for the apartments to the area near the proposed fire hydrant. They shall be located within 100 feet of the hydrant.
- B-40 All Fire Department Connections shall have a Knox Cap installed on every inlet.
- B-41 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
- B-42 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-

site fire hydrant locations. The applicant shall provide a public fire hydrant located within 100 feet of the fire department connection for the Assembly (front building).

- B-43 The applicant shall provide all weather surfacing (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. U.F.C. 902.2.1.
- B-44 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. U.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- B-45 The applicant shall have a key box (Knox brand) located outside of building/gate and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Application can be obtained at Fire Administration office, 39100 Liberty Street, Fremont.
- B-46 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- B-47 Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot. The rear building shall have a monument sign at the street indicating the address and location of same.
- B-48 Any/all new street names and addressing shall be approved by the Fire Department.
- B-49 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed (UFC 1994, Sec. 902.2 as amended).
- B-50 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps installed.
- B-51 Fire hydrant spacing requirement is 300 feet. The distance is measured as the fire engine travels on all-weather surfaces.

# EXHIBIT "B"

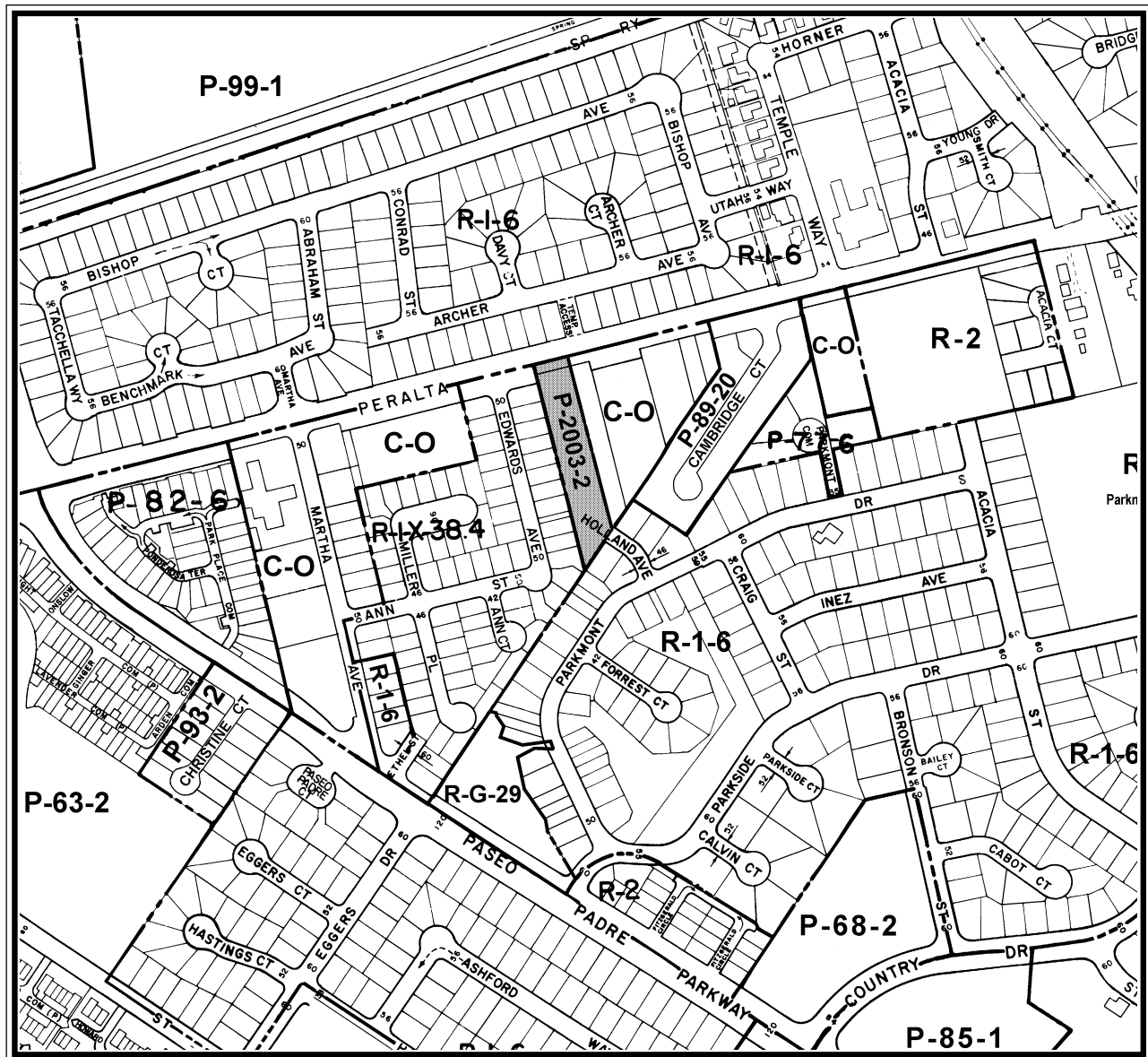
Attached to and made a part of

**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **2002** .

## ZONING MAP (SECTION) CITY OF FREMONT, CALIFORNIA



[pc 10-24-02] 66-388

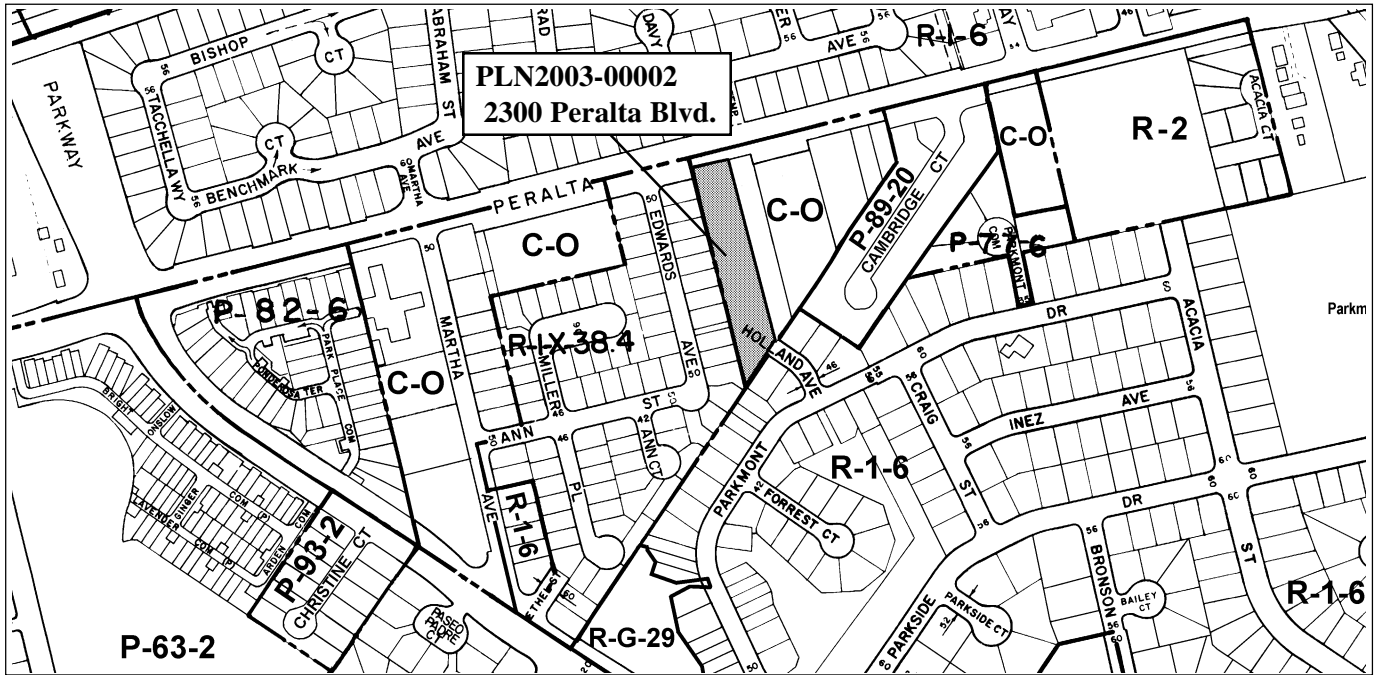
From: C-O  
To: P-203-2

**AFFECTS ZONING MAP(S)  
FOR THE CENTERVILLE PLANNING AREA**

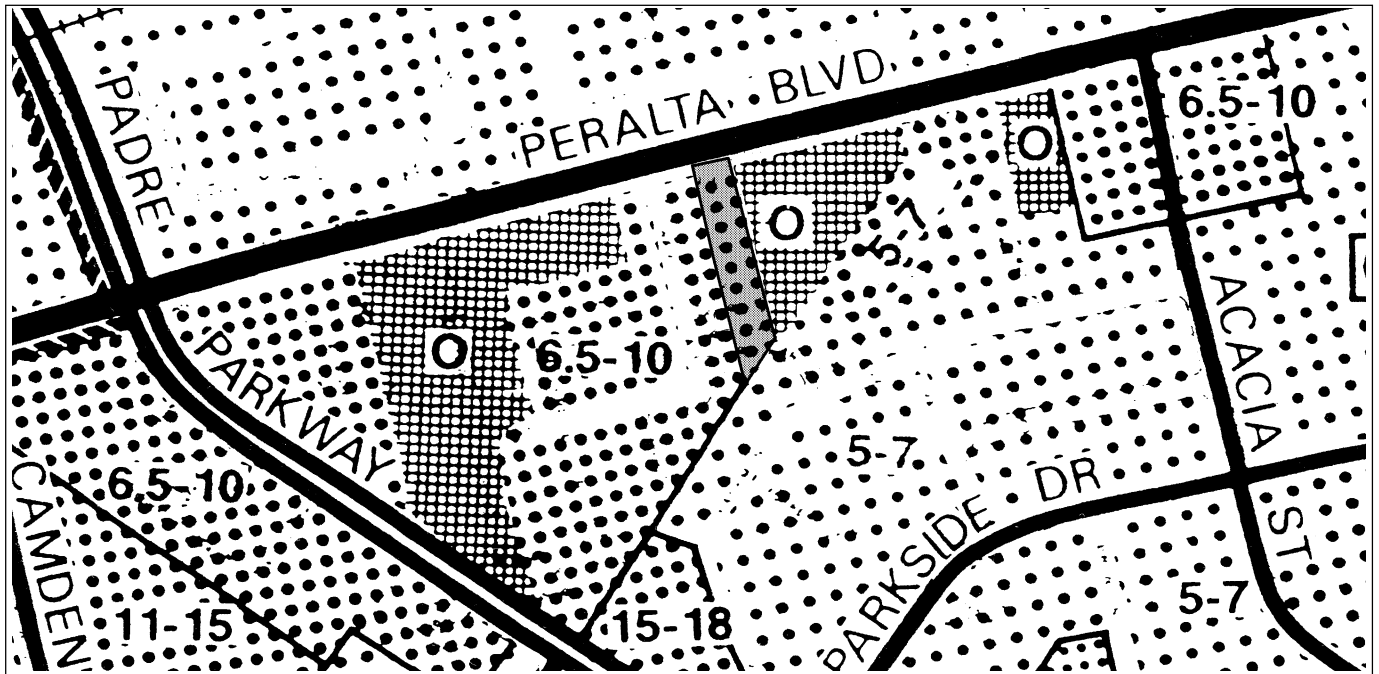
Associated files:

PLN2003-00002 (PD)

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00002 (Rezoning)  
**Project Name:** Peralta Dream  
**Project Description:** To consider a rezoning from C-O, Administrative Office District, to P-2003-2, Planned District, for a 1.34-acre vacant site located in the Centerville Planning Area.

**Note:** Prior arrangements for access are not required for this site.

